

SUMMARY OF INCIDENT

On June 4, 2017 at approximately 4:30 AM, the complainant, Subject 1¹, was walking his dog at or near XXX W. Aldine Ave. Subject 1 alleged that an off-duty police officer in civilian clothing, parked in his personal car, saw Subject 1 and then took out his gun and pointed it at him without justification. Subject 1 described the car as a black Mercedes with a “Fraternal Order of Police” license plate that said “XXXXXXX”.² Subject 1 also alleged that the same police officer, who is reportedly the boyfriend of a neighbor, spends a significant amount of time at his girlfriend’s house while on-duty, and has both harassed and intimidated him.

ALLEGATIONS

The complainant, Subject 1, contacted the Independent Police Review Authority (IPRA) via the website to file a complaint on June 5, 2017.³ Subject 1 made additional allegations via email on June 11, 2017 and June 15, 2017.

It is alleged that on June 4, 2017 at approximately 04:30 AM, at or near XXXX W. Aldine Avenue, accused **Officer A, #XXXXXXX**, while off-duty:

1. Used excessive force when he pointed a gun at Subject 1 without justification in violation of Rules 2, 6, 38 and General Order G03-02 (effective date 01 October 2002).

It is alleged that on June 11, 2017 at approximately 02:30 AM,⁴ at or near XXXX W. Aldine Avenue, Subject 1’s home address, accused **Officer A, # XXXXXXXX**, while on-duty:

2. Harassed Subject 1 as he drove by Subject 1 in a police vehicle and made a hand gesture, with his right hand, as though he was going “get him” in violation of Rule 2.
3. Violated policy when he parked his police vehicle for 20 minutes or more as he went into his girlfriend’s residence on this date, as well as other dates, in violation of Rules 2 and 30.

It is alleged that on June 15, 2017 at some time before 10:00 AM at or near XXXX W. Aldine Avenue, Subject 1’s home address, accused **Officer A, XXXXXXXX**, while on-duty:

4. Intimidated Subject 1 by appearing on the sidewalk near Subject 1’s home as he was leaving to go to IPRA for an interview in relation to the incident that occurred on June 4, 2017 in violation of Rule 2.

¹ [Footnote regarding Subject 1’s alias redacted].

² The officer Subject 1 referred to was later identified as Officer A, #XXXXXX. He was tracked using the license plate “XXXXXXXXX.”

³ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

⁴ Subject 1 later told COPA Investigator A this occurred at 4:30 AM.

APPLICABLE RULES AND LAWS

Rule 2: prohibits, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”

Rule 6: prohibits, “Disobedience of an order or directive, whether written or oral.”

Rule 8: prohibits, “Disrespect to or maltreatment of any person, while on or off duty.”

Rule 9: prohibits, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

Rule 30: prohibits, “Leaving duty assignment without being properly relieved or without proper authorization.”

Rule 38: prohibits, “Unlawful or unnecessary use or display of a weapon.”

General Order G03-02, Use of Force Guidelines

“When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances.”

INVESTIGATION

Interview of complainant Subject 1

Complainant, Subject 1, related that on June 4, 2017 at approximately 4:30 AM at XXX W. Aldine, he went outside to walk his dog and noticed an off-duty police officer sitting in his Mercedes which was parked across the street. The vehicle’s license plate read, “XXXXXXX”. Subject 1 stated that the officer lowered his window and pointed his gun at him from inside his vehicle, which was about 50 feet away. Subject 1 then looked down the block and noticed a neighbor about nine buildings west of him. Subject 1 waved at the neighbor and started walking toward the neighbors’ home.⁵ When he arrived, Subject 1 told the neighbor, “there’s that crazy cop” and asked him not to leave because he was in fear of his safety. Subject 1 refused to divulge the name of this neighbor without getting the neighbor’s permission first.⁶

The officer, wearing civilian clothes and his gun in his holster, then exited the vehicle, walked across the street and went into his girlfriend’s house. Subject 1 said he believed the gun was a handgun, and assumed it was a revolver. When the interviewer asked Subject 1 about color of the gun, he said it was dark, but that it had a little “color”.

⁵ This is not the same neighbor that was involved in the incident that occurred on April 23, 2014.

⁶ COPA Investigator A asked Subject 1 for the name of the witness again on September 26, 2017 but Subject 1 said the neighbor did not want to get involved and refused to give us the neighbors name.

Subject 1 described the officer as Hispanic, muscular, under 6" (maybe around 5'10"), about 220 lbs., and wearing a beard, however Subject 1 did not know the name of the officer. Subject 1 explained that he believed that Officer A's actions stemmed from the officer's relationship with the daughter of one of his neighbors.⁷ Subject 1 stated that at one time he had a good relationship with his neighbors, however the relationship began to deteriorate after the neighbor's dog bit him. In fact, the dog bit him twice. The first time the dog tore a hole in Subject 1's sweatpants. The second time Subject 1 called animal control. Subject 1 said that both times the neighbors just laughed at him, and after that, they "hated me."

According to Subject 1, the parents of Officer A's girlfriend live approximately three buildings west of Subject 1. He believes the father's name is Civilian 1 (or something to that effect). The girlfriend, name unknown, lives another six buildings over from there. As Subject 1 continued to describe his relationship with his neighbors, he brought up an incident that occurred on April 23, 2014 when Subject 1 was arrested. Subject 1 claimed he was beaten-up by tactical officers hours after he was hit by a car driven by his neighbors' daughter.⁸ Subject 1 believed the attack was at the behest of, or somehow related to, Officer A.⁹

Subject 1 also discussed a second incident that occurred on June 11, 2017 at approximately 4:30 AM, near XXX W. Aldine. Subject 1 was out front walking his dog when a uniformed officer, whom Subject 1 believed to be Officer A, drove by him in a police vehicle and made a hand gesture with his right hand, pointing at him with his index finger. Subject 1 claims that Officer A then parked the police vehicle in an illegal space at the end of the block and then went to his girlfriend's house for a few hours.

Subject 1 then reported a third incident that occurred on June 15, 2017. Subject 1 stated that he saw Officer A, in uniform, walking to his police vehicle just as he was walking to a car to come to IPRA for an interview regarding the June 4, 2017 incident. Subject 1 believed that this could be an incredible coincidence, nonetheless it was extremely unnerving to see him at that place and at that time. Subject 1 stated that uniformed Officer A goes to the girlfriend's house in his police vehicle and stays for hours. Subject 1 stated that he believed this was illegal and that he had a video of the officer on a day when he parked.¹⁰

When Subject 1 was asked whether there were witnesses to any of the incidents, he stated that there were none except for the neighbor that he mentioned in relation to the June 4, 2017

⁷ Subject 1 claimed this event was in retaliation for a separate incident that occurred in 2014 for which Subject 1 was arrested. The 2014 event involved a neighbor and his family with which Subject 1 has had a "tense" relationship; and Subject 1 stated that Officer A was dating the daughter of this neighbor. Subject 1 revealed that there was an IPRA claim filed against the officers involved in that incident and that the allegations were ultimately determined to be "Unfounded." According to the IPRA report filed under Log# 1069851, this finding was, in part, based on the fact that there were no medical records of injuries that were consistent with Subject 1's allegations.

⁸ The daughter Subject 1 is referring to is Civilian 2.

⁹ An IPRA file was opened under Log #1069851 and the allegations were "Unfounded."

¹⁰ Despite requests, Subject 1, has failed to produce the video to IPRA or COPA investigators.

incident. Subject 1 also expressed that he wanted everything documented because he feels overwhelming tension and is afraid something is going to happen to him.

A **LEADS** search documented that Illinois license plate # XXXXXXXX belongs to a 2012 Mercedes Benz Coupe and is registered to Officer A of [Officer's Address Redacted]. (Att. 8)

According to a **CLEAR Data Warehouse** Personnel Records search, Officer A, is assigned to District XX and his Star number is XXXXX. (Att. 8)

According to a **CLEAR Data Warehouse** Service Calls search for June 1, 2017 through September 28, 2017, no 911 calls were made from Subject 1's address. (Atts. 11, 12)

According to **GPS Records**, Officer A's assigned CPD vehicle was not at or near Subject 1's home address on June 4, 2017 around 4:30 AM, June 11, 2017 around 4:30 AM or June 15, 2017 around 10:45 AM. (Atts. 13, 14)

GPS Records establish that Officer A's police vehicle was not parked in front of his girlfriend's house on W. Aldine, for the time period of June 4, 2017 through August 2, 2017 for any significant amount of time.(Att. 14,)

CONCLUSION AND ANALYSIS

JUNE 4, 2017 Incident

COPA recommends a finding of **UNFOUNDED** for **Allegation #1** against **Officer A**. It is alleged that Officer A used excessive force when he pointed a gun at Subject 1 without justification, in violation of Rules 2, 6, 38 and Chicago Police Department General Order G03-02 (effective date October 1, 2002). However, there is no independent evidence this incident ever occurred, and based on evidence which refutes Subject 1's other allegations as analyzed below, Subject 1's credibility is diminished.

In his initial web complaint and his recorded statement, Subject 1 claimed that Officer A pointed a gun at him as he sat across the street in his personal car. However, Subject 1 has been unable and/or unwilling to provide the name of the witness that he claimed was present during the event. Subject 1 did not mention making any sort of police report, nor were there any calls to 911 from Subject 1's address on that day

Based on the available evidence, this investigation is closed and no further reports will be collected.

JUNE 11, 2017 Incident

COPA recommends a finding of **UNFOUNDED** for **Allegation #2** against **Officer A**. It is alleged that Officer A harassed Subject 1 as he drove by Subject 1 in a police vehicle and made a hand gesture, with his right hand, as though he was going to "get him" in violation of Rule 2.

However, GPS reports confirm that the police vehicle assigned to Officer A was not in the area during the times that Subject 1 claims he was there.

Based on the available evidence, this investigation is closed and no further reports will be collected.

COPA recommends a finding of **UNFOUNDED** for **Allegation #3** against **Officer A**. It is alleged that Officer A, whose police beat includes the area where Subject 1 lives, violated policy when he parked his police vehicle for 20 minutes or more as he went into his girlfriend's residence on this date, as well as other dates, in violation of Rules 2 and 30. However, GPS reports confirm that the police vehicle assigned to Officer A was not in the area during the times that Subject 1 claims he was there. In addition, based on GPS reports, Officer A's police vehicle was never parked on W. Aldine near Subject 1's address for any significant amount of time from June 4, 2017 through August 2, 2017.

Based on the available evidence, this investigation is closed and no further reports will be collected.

JUNE 15, 2017 Incident

COPA recommends a finding of **UNFOUNDED** for **Allegation #4** against **Officer A**. It is alleged that Officer A intimidated Subject 1 by being present on the sidewalk outside of Subject 1's home just as he was leaving to come to IPRA to attend an interview related to the June 4, 2017 incident, in violation of Rule 2. As reported by Subject 1, Officer A was in uniform at the time and was walking toward his police vehicle. GPS reports, however, confirm that Officer A's vehicle was not in the vicinity at the time Subject 1 claims that it was. Furthermore, there was no reported conversation at this time or at any other time between Officer A and Subject 1 to suggest there was ever any verbal threat.

Based on the available evidence, this investigation is closed and no further reports will be collected.

IPRA Supervisor

Investigator